

# SENATE JOURNAL

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## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**FORTY-FIFTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 20, 2008**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Corder, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Cameron, Langhorst, Little, Sagness, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Amanda Downen, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 19, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Stennett was recorded present at this order of business.

February 20, 2008

The JUDICIARY AND RULES Committee reports that **S 1434**, **S 1435**, and **SP 101** have been correctly printed.

DARRINGTON, Chairman

**S 1434** and **S 1435** were referred to the State Affairs Committee.

**SP 101** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2008

The JUDICIARY AND RULES Committee reports that **S 1272** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1272** and ordered it transmitted to the House for the signature of the Speaker.

February 19, 2008

The JUDICIARY AND RULES Committee reports that **S 1344**, as amended, **S 1380**, as amended, and **S 1397**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1344**, as amended, **S 1380**, as amended, and **S 1397**, as amended, were filed for first reading.

February 19, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1344**, **S 1380**, and **S 1397** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 19, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1246**, **S 1247**, **S 1284**, **S 1338**, **S 1346**, **S 1347**, and **S 1358** were delivered to the Office of the Governor at 2:07 p.m., February 19, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 19, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 109** was delivered to the Office of the Secretary of State at 2:10 p.m., February 19, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 19, 2008

February 19, 2008

The TRANSPORTATION Committee reports out **S 1388**, **H 366**, and **H 440** with the recommendation that they do pass.

McGEE, Chairman

**S 1388**, **H 366**, and **H 440** were filed for second reading.

February 19, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1431** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **S 1431** was referred to the Fourteenth Order of Business, General Calendar.

February 19, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 429** with the recommendation that it do pass.

ANDREASON, Chairman

**H 429** was filed for second reading.

February 19, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 457** and **S 1385** with the recommendation that they do pass.

HILL, Chairman

**H 457** and **S 1385** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 19, 2008

Mr. President:

I transmit herewith **H 484**, **HJM 6**, **H 460**, **H 432**, **H 433**, **H 498**, **H 474**, **HJM 8**, **H 350**, **H 375**, **H 379**, **H 452**, **H 453**, **H 454**, **H 455**, **H 492**, **H 442**, and **HCR 44**, which have passed the House.

ALEXANDER, Chief Clerk

**H 484**, **HJM 6**, **H 460**, **H 432**, **H 433**, **H 498**, **H 474**, **HJM 8**, **H 350**, **H 375**, **H 379**, **H 452**, **H 453**, **H 454**, **H 455**, **H 492**, **H 442**, and **HCR 44** were filed for first reading.

Mr. President:

I return herewith **S 1337**, **S 1261**, **S 1262**, **S 1248**, and **S 1288**, which have passed the House.

ALEXANDER, Chief Clerk

**S 1337**, **S 1261**, **S 1262**, **S 1248**, and **S 1288** were referred to the Judiciary and Rules Committee for enrolling.

February 20, 2008

Mr. President:

I return herewith **S 1305** which failed to pass the House.

ALEXANDER, Chief Clerk

**S 1305** was ordered filed in the office of the Secretary of the Senate.

February 19, 2008

Mr. President:

I return herewith Enrolled **S 1260**, **S 1270**, and **S 1271**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1260**, **S 1270**, and **S 1271** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

February 19, 2008

Mr. President:

I return herewith Enrolled **SCR 124**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **SCR 124** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Kim Wherry Toryanski was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Kelly, the Gubernatorial appointment of Kim Wherry Toryanski as Administrator of the Idaho Commission on Aging was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

The President called Senator Darrington to the Chair.

Acting Senator Sagness was recorded present at this order of business.

**S 1344**, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

**S 1380**, as amended, and **S 1397**, as amended, by Commerce and Human Resources Committee, were read the first time at length and filed for second reading.

**H 484**, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**HJM 6**, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 460**, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 432**, **H 433**, **H 498**, and **H 474**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

**HJM 8**, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**H 350**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 375**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 379**, **H 452**, **H 453**, **H 454**, **H 455**, and **H 492**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 442**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**HCR 44**, by State Affairs Committee, was introduced, read at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

Senator Cameron was recorded present at this order of business.

**H 351**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1414**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1383** and **S 1419**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**H 352**, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1425**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1407** and **S 1428**, by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Davis, granted by unanimous consent, **S 1369**, having been held, was recommitted to the Judiciary and Rules Committee.

On request by Senator McGee, granted by unanimous consent, **S 1398** was referred to the Fourteenth Order of Business, General Calendar.

President Pro Tempore Geddes and Senator Little were recorded present at this order of business.

**S 1357** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Corder, Langhorst. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1357** passed, title was approved, and the bill ordered transmitted to the House.

Senator Langhorst was recorded present at this order of business.

**S 1362** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Richardson and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Corder, Fulcher, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1362** passed, title was approved, and the bill ordered transmitted to the House.

**S 1418** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Bilyeu disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 33.

NAYS--Stegner. Total - 1.

Absent and excused--Corder. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1418** passed, title was approved, and the bill ordered transmitted to the House.

**S 1352** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Bilyeu disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Corder. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1352** passed, title was approved, and the bill ordered transmitted to the House.

**S 1354** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Broadsword and Keough arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Bilyeu disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 33.

NAYS--Stegner. Total - 1.

Absent and excused--Corder. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1354** passed, title was approved, and the bill ordered transmitted to the House.

**S 1394** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Corder. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1394** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1436**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO SALARIES OF CERTIFICATED PUBLIC SCHOOL EMPLOYEES; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE EXEMPTION OF CERTAIN ADDED SALARY INCREMENTS; AMENDING SECTION 33-1004F, IDAHO CODE, TO PROVIDE FOR ALLOCATION OF AMOUNTS DISTRIBUTED PURSUANT TO THE STATE TEACHER ADVANCEMENT AND RECOGNITION SYSTEM REQUIRED TO MEET THE EMPLOYER'S OBLIGATIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND TO SOCIAL SECURITY AND TO DELETE OBSOLETE PROVISIONS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004I, IDAHO CODE, TO PROVIDE THE IDAHO STATE TEACHER ADVANCEMENT AND RECOGNITION SYSTEM, TO PROVIDE A BASE SALARY STEP, TO PROVIDE FOR GROWTH AND EXCELLENCE BONUS AWARDS, TO PROVIDE LOCALLY-CONTROLLED MARKET SCARCITY COMPETITIVENESS PAY, TO PROVIDE LEADERSHIP AWARDS, TO PROVIDE FOR TRANSFER OF CERTAIN FUNDS FOR PAYMENT OF AWARDS, TO PROVIDE THAT CERTAIN UNUSED FUNDS BE RETURNED TO THE PUBLIC SCHOOL INCOME FUND, TO PROVIDE FOR THE DEVELOPMENT AND PRESENTATION OF ADDITIONAL MEASURES OF STUDENT PERFORMANCE SUBJECT TO IMPLEMENTATION OF A DATA SYSTEM, TO PROVIDE LIMITATIONS REGARDING PROCEDURES, TO PROVIDE DEFINITIONS AND TO PROVIDE FOR ADJUSTMENT OF DISTRIBUTIONS; AND PROVIDING FOR THE APPOINTMENT OF A TEACHER PERFORMANCE EVALUATION TASK FORCE TO DEVELOP MINIMUM STANDARDS FOR A FAIR, THOROUGH, CONSISTENT AND EFFICIENT SYSTEM FOR EVALUATING TEACHER PERFORMANCE IN IDAHO AND TO PRESENT ITS WRITTEN RECOMMENDATIONS BY NO LATER THAN JANUARY 30, 2009.

**S 1437**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO PROFESSIONAL PERSONNEL IN THE PUBLIC SCHOOL SYSTEM; AMENDING SECTION 33-513, IDAHO CODE, TO REVISE THE PROCEDURE REQUIRED OF A BOARD OF TRUSTEES TO DISCHARGE A CERTIFICATED PROFESSIONAL EMPLOYEE DURING THE TERM OF A CONTRACT, TO PROVIDE FOR JUDICIAL REVIEW OF A BOARD'S DECISION AND TO MAKE TECHNICAL CORRECTIONS.

**S 1436** and **S 1437** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Thursday, February 21, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary